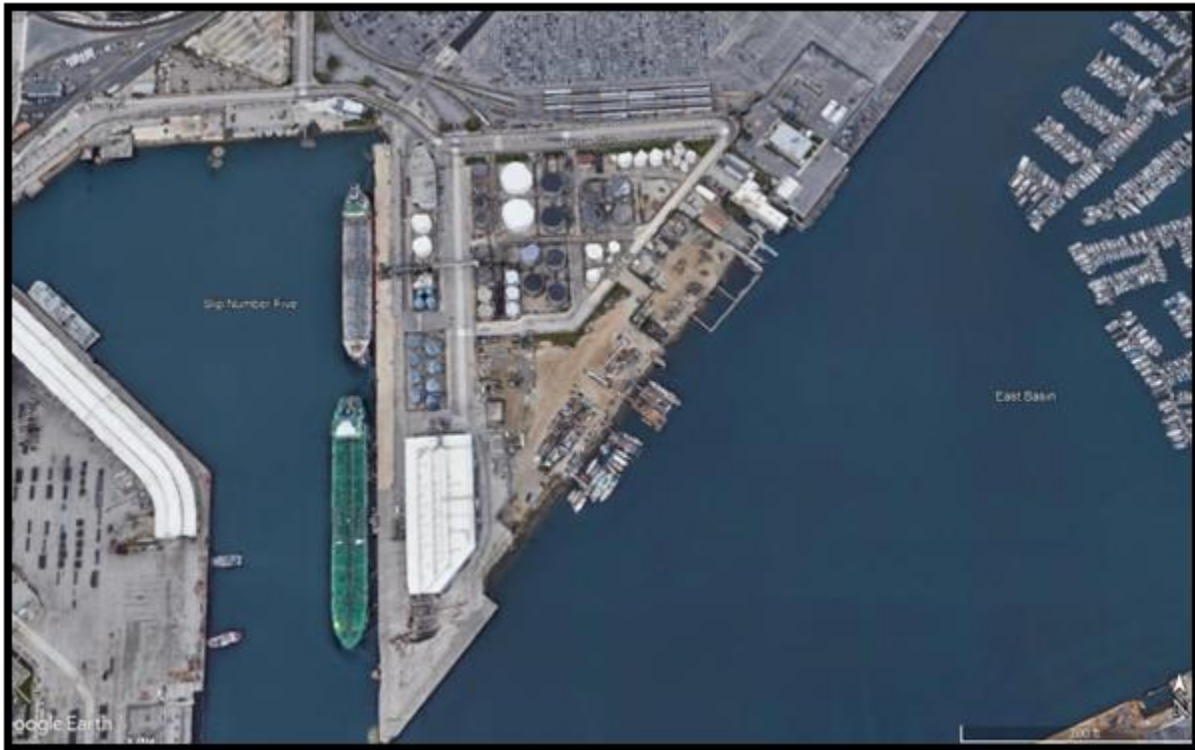


FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Document considered DRAFT until Board review and approval

Berths 191-194 [Ecocem] Low-Carbon Cement Processing Facility Project Environmental Impact Report

APP#: 180628-109, SCH#2022030294



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TRANSMITTAL 2

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Chapter 1 Introduction

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These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD or Port) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of the State of California Environmental Quality Act (CEQA) Guidelines (14 Cal. Code of Regs. [CCR], § 15000 et. seq.), to support a decision to adopt the Berths 191-194 [Ecocem] Low-Carbon Cement Processing Facility Project (Proposed Project) considered in the Environmental Impact Report (EIR). Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

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1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

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The Findings of Fact are based on substantial evidence, including the evaluations and impact determinations made in the EIR prepared pursuant to CEQA. The Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the project outweigh the unavoidable adverse environmental effects, thereby rendering them “acceptable” to the decisionmaker. (PRC Section 21081(b); CEQA Guidelines Section 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant environmental impacts identified in the Final EIR.

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Chapter 2

Project Overview

3 This section describes the Proposed Project, which staff is recommending for adoption
4 and as analyzed in the Berths 191-194 [Ecocem] Low-Carbon Cement Processing
5 Facility Project EIR. The EIR analyzes the environmental impacts of construction and
6 operation of the Proposed Project.

7 **2.1 Background**

8 The LAHD operates the Port under the legal mandates of the Port of Los Angeles
9 Tidelands Trust (Los Angeles City Charter, Article VI, Section 601) and the California
10 Coastal Act (PRC Division 20 Section 30700 et seq.), which identify the Port and its
11 facilities as a primary economic and coastal resource of the State of California and an
12 essential element of the national maritime industry for the promotion of commerce,
13 navigation, fisheries, and Harbor operations. Activities should be water dependent and
14 the LAHD must give highest priority to navigation, shipping, and necessary support and
15 access facilities to accommodate the demands of foreign and domestic waterborne
16 commerce. The LAHD is chartered to develop and operate the Port to benefit maritime
17 uses, and it functions as a landlord by leasing Port properties to more than 200 tenants.

18 **2.2 Project Purpose**

19 CEQA Guidelines Section 15124(b) requires that an EIR's project description contain a
20 statement of objectives, including the underlying purpose of a proposed project. As
21 explained in the EIR, the purpose of the Proposed Project is to supply the Southern
22 California construction industry with a low-carbon binder (ground granulated blast
23 furnace slag [GGBFS]), to enable the use of Ecocem's cementitious technologies in the
24 construction of eco-efficient projects, and to help the State of California meet its net-zero
25 emissions target for the cement industry. To meet that purpose, the Proposed Project
26 would construct and operate a low-carbon cement binder processing facility on the
27 backlands behind Berths 192-194 and operate a vessel berthing facility at Berth 191.

28 **2.3 Project Objectives**

29 To achieve its purpose, the Proposed Project has the following objectives:

- 30 • Provide necessary raw material import capacity for an environmentally
31 sustainable product;
- 32 • Establish a processing facility to produce the binder at a deep-water berth in
33 Southern California, with permanent local manufacturing jobs, that is:
 - 34 ○ Capable of adapting to changes in raw material sources in order to maintain a
35 steady supply of product;

- 1 ○ Capable of providing storage capacity for the rapid unloading of bulk ships
- 2 delivering raw materials and for loading product on bulk tanker trucks; and
- 3 ○ Located near the center of the Southern California market to reduce the traffic
- 4 burden, road wear, and energy requirements associated with truck transport of
- 5 product.
- 6 • Facilitate the future development of improved low-carbon, high-performance
- 7 binders.

8 **2.4 Project Description**

9 The Project site is a 6.1-acre parcel of land on Yacht Street in an industrial area in the
10 vicinity of the East Basin in the Los Angeles Harbor within the Port of Los Angeles and
11 within the County of Los Angeles, California. The Proposed Project includes construction
12 of facilities on the backlands behind Berths 192-194, repairs and improvements to the
13 wharf at Berth 191, and operation of the facility. Additional elements of the Proposed
14 Project include amendment of the Port Master Plan to change the designated use of the
15 Berths 192-194 site from liquid bulk to dry bulk and issuance by the LAHD of a 30-year
16 entitlement for the site that would include access to Berth 191.

17 The Proposed Project would be constructed over a period of approximately 18 months;
18 construction would include:

- 19 • Site preparation, including site clearance, ground improvements such as soil
- 20 stabilization and paving;
- 21 • Repairs to the wharf at Berth 191, including repairing surfaces, replacing
- 22 deteriorated pilings and bracing elements, and installing fender piles;
- 23 • Development of the enclosed milling plant, including construction of plant
- 24 buildings, storage facilities such as silos and open storage yard, and installation of
- 25 conveyance systems and processing equipment;
- 26 • Construction of ancillary buildings (workshop and plant office); and
- 27 • Improvement of site infrastructure, utilities, and supporting facilities, including
- 28 fire hydrants, stormwater and energy infrastructure, a bermed area for refueling a
- 29 front-end loader, and equipment for loading of customer trucks.

30 The majority of the Proposed Project construction would be land-based, including
31 construction of the storage facilities, mill, and loading facilities in the backlands behind
32 Berths 192-194, and repairs to the wharf deck at Berth 191. In-water work is expected at
33 Berth 191 to replace damaged timber pilings, repair damaged concrete piles, and install
34 an upgraded fendering system, as well as maintenance dredging to clean up the slope
35 after construction activities.

36 Once in operation, the facility would produce GGBFS by grinding granulated blast
37 furnace slag (GBFS) and blending it with natural gypsum minerals in the proportions of
38 approximately 96% GBFS and 4% gypsum. The GBFS would arrive by oceangoing bulk
39 carrier vessels and the gypsum by truck. Conveyor systems would transfer the GBFS and
40 gypsum to storage piles and then, to a grinding mill. The GBFS would be ground in the
41 mill and dried by hot air from a gas-fueled burner. The ground product would be filtered
42 through a bag filter and conveyed to silos before being loaded onto trucks.

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Chapter 3 CEQA Findings

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3.1 Environmental Impacts of the Proposed Project

The Findings of Fact are based on information contained in the Draft EIR and the Final EIR for the Proposed Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the Proposed Project application, project staff reports, reports and studies referenced in the Draft EIR and Final EIR, project public hearing records, public notices, written comments on the project and responses to those comments, proposed decisions and findings on the Proposed Project, and other documents relating to the agency decision on the project. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other materials, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Acting Director of Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California 90731.

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The Draft EIR addresses the Proposed Project’s potential effects on the environment and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 60 days. Comments were received from a variety of public agencies, organizations, and Individuals. The Final EIR contains copies of all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during the public review, and changes to the Draft EIR. A summary of the public comments, the responses to those comments, and the resultant revisions to the Final EIR are summarized in Chapter 7. This section provides a summary of the environmental impacts of the Proposed Project that are discussed in the EIR and provides written findings for each of the significant impacts which are accompanied by a brief explanation of the rationale for each finding.

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3.1.1 Environmental Impacts Found to Be Significant and Unavoidable

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The EIR concludes that some, but not all, impacts of the Proposed Project in the following environmental resource areas would remain significant and unavoidable despite incorporation of all feasible mitigation:

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- Air Quality and Meteorology
- Noise.

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The Board hereby finds that, despite the incorporation of all feasible mitigation measures, the environmental impacts of the Proposed Project are significant and unavoidable, as

1 listed in Table 1 below, which lists the required mitigation measures (designated “MM”),
2 lease measures (designated “LM”), and standard conditions of permits (designated “SC”),
3 and lists potential remaining impacts after mitigation.

4 Mitigation measures (MM) are measures that the CEQA lead agency (in this case, the
5 LAHD) must impose “to substantially lessen or avoid [a project’s] significant effects on
6 the environment” (CEQA Guidelines § 15041(a)). CEQA imposes the duty on lead
7 agencies not to approve projects unless there are feasible mitigation measures available
8 that would substantially lessen any significant effects that the project would have on the
9 environment (CEQA Guidelines § 15021(a)(2)) and provides the lead agency with the
10 authority to impose mitigation (CEQA Guidelines § 15041(a)). Mitigation measures must
11 be fully enforceable through permit conditions, agreements, or other legally binding
12 instruments (CEQA Guidelines § 15126.4).

13 Lease measures (LM) are developed by the LAHD to address specific issues that cannot
14 reasonably be addressed by mitigation measures. Lease measures are enforceable through
15 permit conditions required for project approval and monitored, via inclusion in a
16 monitoring and reporting program, in a manner to similar to mitigation measures.

17 A standard condition (SC) is imposed as a requirement of a permit issued by the LAHD
18 prior to project approval. Standard conditions typically are not specific to a particular
19 project, but rather are enforced through the permitting and design process to ensure
20 compliance with generally applicable regulations, including those where compliance will
21 keep impacts at less than significant levels. For example, the standard conditions that are
22 described in LAHD’s CEQA documents are typically included in construction permits
23 and typically require that the permittee adheres to best management practices (“BMPs”)
24 and the standards prescribed by applicable construction regulations, such as the Port’s
25 Sustainable Construction Guidelines. As such, standard conditions function as conditions
26 to project approval and permit issue and are therefore not necessarily adopted for the
27 purpose of further mitigating a project specific significant environmental impact.

1 **Table 1: Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project**

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Air Quality and Meteorology				
AQ-3: The Proposed Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-7 of the Draft EIR	Impacts would be significant for NO _x in all operational years	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule	Impacts would remain significant and unavoidable for NO _x in all operational years	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study
AQ-4: Proposed Project operations would result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-8	Operation-related ambient pollutant concentrations would be significant in all years for annual and 24-hr PM ₁₀ and 24-hr PM _{2.5}	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule	Impacts would remain significant and unavoidable for operation-related ambient pollutant concentrations in all years for annual and 24-hr PM ₁₀ and 24-hr PM _{2.5}	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology. LM AQ-3: At-Berth Vessel Emissions Control Pilot Study
Greenhouse Gas Emissions				
GHG-1: The Proposed Project would generate GHG emissions, either directly or indirectly that would have a significant effect on the	GHG emissions would be significant under CEQA in 2025, 2027 and 2049 analysis	MM GHG-1: GHG Reduction Offsets MM AQ-1: Vessel Speed Reduction Program (VSRP)	Less than significant	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
environment.	years	MM AQ-2: Front End Loader Replacement Schedule		Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for Construction Equipment and On-Road Trucks
Noise				
NOI-1a: Daytime construction activities could result in noise levels lasting more than 10 days in a 3-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor	Significant	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	Significant and unavoidable	N/A
NOI-1b: Construction activities could result in noise	Significant	MM NOI-1: Noise Barriers Adjacent to Pile	Significant and	N/A

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.		Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	unavoidable	

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1 **3.1.2 Environmental Impacts Found to Be Less Than**
 2 **Significant after Mitigation**

3 The EIR concludes that significant impacts of the Proposed Project to the following
 4 environmental resource would be less than significant after mitigation:

- 5 • Biological Resources
- 6 • Greenhouse Gases

7 The Board hereby finds that the following environmental impacts of the Proposed Project
 8 would be less than significant after implementation of mitigation measures, as summarized in
 9 Table 2, which also lists the mitigation measures applied and the impacts after mitigation.

10 **Table 2: Significant Environmental Impacts that Can be Mitigated for the Proposed**
 11 **Project**
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Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Biological Resources				
BIO-1: The Proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	Potentially significant impact	MM BIO-1: Protect Marine Mammals	Less than significant	N/A
Greenhouse Gases				
GHG-1: The Proposed Project would generate GHG emissions, either directly or indirectly, may have a significant impact on the environment.	Potentially significant impact	MM GHG-1: GHG Reduction Offsets	Less than significant	MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Port of Los

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
				Angeles Harbor Department (LAHD) Sustainable Construction Guidelines

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3.1.3 Environmental Impacts Found to Be Less Than Significant

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The EIR concludes that all impacts of the Proposed Project to the following environmental resources would be less than significant.

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- Energy
- Geology and Soils
- Land Use
- Ground Transportation
- Tribal Cultural Resources

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In addition, the EIR concludes that some, but not all, impacts of the Proposed Project to the following environmental resources would be less than significant.

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- Air Quality and Meteorology
- Noise

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The Board finds that the following environmental impacts of the Proposed Project would be less than significant or that there would be no impact, and hereby makes the same determination based on the conclusions in the Final EIR, as summarized in Table 3. No mitigation measures are required for impacts that are less than significant (CEQA Guidelines Section 15126.4(3)(a)).

1 **Table 3: Less Than Significant Environmental Impacts for the Proposed Project**

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Air Quality and Meteorology				
<p>AQ-1: The Proposed Project would not result in construction-related emissions that exceed a SCAQMD threshold of significance in Table 3.1-4 of the Draft EIR.</p>	<p>Less than significant</p>	<p>Mitigation not required</p>	<p>Less than significant</p>	<p>LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for Construction Equipment and On-Road Trucks</p>
<p>AQ-2: Proposed Project construction would not result in off-site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in Table 3.1-6 of the Draft EIR.</p>	<p>Less than significant</p>	<p>Mitigation not required</p>	<p>Less than significant</p>	<p>LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines LM AQ-5: Fleet Modernization for On-Road Trucks During Construction LM AQ-6: Fleet Modernization for Construction Equipment LM AQ-7: Renewable Diesel Fuel for</p>

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
				Construction Equipment and On-Road Trucks
AQ-5: The Proposed Project would not expose receptors to significant levels of TACs.	Less than significant	Mitigation not required	Less than significant	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology LM AQ-3: At-Berth Vessel Emissions Control Pilot Study LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines
AQ-6: The Proposed Project would not conflict with or obstruct implementation of an applicable AQMP.	Less than significant	Mitigation not required	Less than significant	N/A
Energy				
EN-1: The Proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.	Less than significant	Mitigation not required	Less than significant.	LM AQ-4: Los Angeles Harbor Department (LAHD) Sustainable Construction Guidelines

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
Geology and Soils				
GEO-1: The Proposed Project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse.	Less than significant	Mitigation not required	Less than significant	Not applicable
Land Use				
LU-1: The Proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact	Less than significant	Mitigation not required	Less than significant	Not applicable
Noise				
NOI-1c: Project operations would not cause the ambient noise level measured at the property line of affected uses (i.e., sensitive receptors) to increase by 3 dBA in CNEL to or within the 'normally unacceptable' or 'clearly unacceptable category,' or any increase in CNEL	Less than significant	Mitigation not required	Less than significant	Not applicable

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
5 dBA or greater.				
NOI-2: The Proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels	Less than significant	Mitigation not required	Less than significant	Not applicable
Ground Transportation				
TRANS-1: The Proposed Project would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No impact	Mitigation not required	No impact	Not applicable
TRANS-2: The Proposed Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	No impact	Mitigation not required	No impact	Not applicable

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
TRANS-3: The Proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)	No impact	Mitigation not required	No impact	Not applicable
TRANS-4: The Proposed Project would not result in inadequate emergency access.	No impact	Mitigation not required	No impact	Not applicable
Tribal Cultural Resources				
TCR-1: The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as	Less than significant	Mitigation not required	Less than significant	SC TCR-1 - Stop Work in the Area if Prehistoric and/or Archaeological Resources are Encountered.

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
<p>defined in Public Resources Code Section 5020.1(k).</p>				
<p>TCR-2: The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in</p>	<p>Less than significant</p>	<p>Mitigation not required</p>	<p>Less than significant</p>	<p>Not applicable</p>

Environmental Impact	Impact Determination	Mitigation Measures	Impacts After Mitigation	Lease Measures/Standard Conditions
subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

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3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The EIR concludes that unavoidable significant impacts on the following environmental resources would occur if the Proposed Project was implemented:

- Air Quality and Meteorology
- Noise

All available feasible mitigation and lease measures have been incorporated into the Proposed Project to reduce significant impacts. However, even with the incorporation of all feasible mitigation and lease measures, impacts on these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation and/or lease measures or alternatives would reduce significant impacts to less-than-significant levels. In light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (see Chapter 1 of this document for additional details). The impacts, mitigation and lease measures, findings, and rationale for the findings are presented below for all significant and unavoidable impacts identified in the Final EIR.

3.2.1 Air Quality and Meteorology

As discussed in Section 3.1 of the Draft EIR, there would be two unavoidable significant impacts to air quality and meteorology related to operation of the Proposed Project. As discussed below, no feasible mitigation measures were identified for the significant and unavoidable impacts to air quality, although several lease measures were identified that could reduce impacts. The impacts and mitigation and lease measures are discussed below.

Impact AQ-3: The Proposed Project would result in operational emissions that exceed an SCAQMD threshold of significance in Table 3.1-7.

As shown in Table 3.1-11 in the Draft EIR, emissions from the Proposed Project's peak daily operations would exceed SCAQMD significance thresholds for NO_x in years 2025, 2027, and 2049 prior to mitigation. The largest contributors to peak daily operational emissions in all analysis years would be oceangoing vessel transits and hoteling. Those emissions are not assumed to decline from years 2025 to 2049 as the future composition of the vessel fleet cannot be predicted. Accordingly, air quality impacts associated with the Proposed Project's daily peak operations would be significant for NO_x in all analysis years prior to the application of mitigation and lease measures.

Finding

The Board hereby finds that changes or alterations have been required in or incorporated into the Proposed Project that would reduce the significant environmental impacts identified in the Final EIR. The implementation of the following LAHD mitigation and lease measures would reduce Project-related emissions.

LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment. The Tenant shall replace cementitious material handling equipment used for operation with the cleanest available equipment, that meets operating and safety requirements, anytime new or replacement equipment is purchased, with a first preference for zero emission equipment, a second preference for near-zero equipment (such as, hybrid or low-nitrogen oxides [NO_x]

1 equipment), and third for the cleanest available if zero or near-zero equipment is not feasible,
2 provided that LAHD shall conduct engineering assessments to confirm that such equipment
3 is capable of installation at the facility to confirm that such equipment is capable of
4 installation at the facility. The Tenant shall provide substantial evidence including, but not
5 limited to, inventory reports of available equipment from manufacturers, to verify the
6 availability and feasibility of equipment sought to be purchased in accordance with this
7 measure.

8 Starting one year after the effective date of a new entitlement between the Tenant and the
9 LAHD, Tenant shall submit to the Port an equipment inventory and five-year procurement
10 plan for new equipment, and infrastructure, and shall update the procurement plan annually
11 in order to assist with planning for transition of equipment to zero emissions in accordance
12 with the foregoing paragraph.

13 **LM AQ-2: Periodic Review of New Technology and Regulations.** The Tenant shall
14 conduct a periodic review of any Port-identified or other new emissions-reducing technology
15 and report to the LAHD on the feasibility of any new technology advancements that may
16 reduce emissions not less frequently than once every five years following the effective date
17 of the entitlement. The technology review would be subject to approval by LAHD and would
18 involve consulting with appropriate resources (e.g., consultants, engineers, regulators) to
19 validate the findings. If the review demonstrates the new technology would be effective in
20 reducing emissions and is determined by the LAHD to be feasible, including but not limited
21 to, financial, technical and operational considerations, the Tenant shall implement the new
22 air quality technological advancements, subject to mutual agreement, which shall not be
23 unreasonably withheld by the Tenant.

24 **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study.** The Tenant shall complete a
25 pilot study to evaluate the feasibility of implementing an at-berth vessel emissions control
26 system within 3 years of entitlement execution. If proven to be feasible, including but not
27 limited to financial, technical, and operational considerations, and upon California Air
28 Resources Board certification, the Tenant shall be required to implement the technology
29 when operationally feasible as described in Tenant's pilot study. Implementation of the
30 technology required under this measure will rely on the Tenant's pilot study evaluation and
31 determination, and is subject to mutual agreement between the Tenant and LAHD, which
32 agreement shall not be unreasonably withheld nor implementation of technology
33 unreasonably required.

34 **MM AQ-1: Vessel Speed Reduction Program (VSRP).** 100 percent of vessels calling at
35 the Ecocem Dry Bulk Processing Facility shall be required to comply with the expanded
36 VSRP at 40 nautical miles (nm) from Point Fermin by the Marine Exchange. Speed is
37 confirmed by the Marine Exchange. Any vessel experiencing a maritime emergency¹ that
38 prevents compliance with the expanded VSRP may be exempt from this measure. If a
39 maritime emergency were to occur, the vessel operators shall provide substantial evidence of
40 a qualifying event to LAHD.

41 **MM AQ-2: Front End Loader Replacement Schedule.** The Tenant shall replace the off-
42 road diesel front end loader every two years. The new diesel front end loader shall meet
43 operational requirements and meet Tier 4 standards or cleaner or as required by state and/or
44 local agencies, whichever is stricter. During replacement, the following preference will be

¹ Maritime emergencies may include, but are not limited to, suspicious activity, drone/plane activity, security breaches or attempts, United States Coast Guard (USCG) safety/security/protection zone violations, crimes on land and water, navigation rule violations, vessels in distress, rescues, fires and emergencies, as defined by the Port of Los Angeles Mariners Guide.

1 used for consideration: first preference for zero-emission equipment, a second preference for
2 near-zero equipment (such as, hybrid or low-NOx equipment), and third for Tier 4 standards
3 if zero or near-zero equipment is not feasible, provided that LAHD shall conduct engineering
4 assessments to confirm that such equipment is capable of installation at the facility. The
5 Tenant shall provide substantial evidence including, but not limited to, inventory reports of
6 available equipment from manufacturers, to verify the availability and feasibility of
7 equipment sought to be purchased in accordance with this measure.

8 The Final EIR considered mitigation measures suggested by public comments. The EIR's
9 consideration of those measures is presented in Chapter 2, Responses to Comments, of the
10 Final EIR and summarized in these Findings.

11 Suggested measures related to air quality included: maximizing calls from IMO Tier 3
12 oceangoing vessels (OGVs), retrofitting OGVs with emissions reduction technologies,
13 limiting truck idling, and requiring measures to incentivize and support use of zero-
14 emissions or near-zero-emissions on-road trucks and terminal equipment (see comment
15 AQMD-3 and comments CFASE-11, -15, and -19). LAHD evaluated these measures in
16 terms of whether they were capable of being accomplished in a successful manner within a
17 reasonable period of time, taking into account economic, environmental, legal, social, and
18 technological factors. In the responses to those comments, the Final EIR explained (Section
19 2.2.1) why measures related to OGVs and on-road trucks were infeasible because they were
20 beyond the control of the Project proponent (i.e., due to legal factors). The Final EIR also
21 pointed out that three lease measures in the DEIR (LMs AQ-1, AQ-2, and AQ-6) would
22 result in the incorporation of zero- and near-zero-emissions technologies into the Project's
23 operational equipment. The Final EIR modified those measures to provide more certainty in
24 their implementation, and re-designated LM AQ-6 (Front End Loader Replacement
25 Schedule) as a mitigation measure (MM AQ-2). Apart from these modifications, the Final
26 EIR determined that no additional measures beyond those already identified in the EIR were
27 necessary or feasible.

28 The California Department of Fish and Wildlife suggested several mitigation measures to
29 reduce impacts from turbidity, contaminant remobilization, and underwater noise from in-
30 water pile removal and driving (see comments CDFW-2, -3, and -4). LAHD evaluated these
31 measures in terms of whether they were capable of being accomplished in a successful
32 manner within a reasonable period of time, taking into account economic, environmental,
33 legal, social, and technological factors. In the responses to those comments, the Final EIR
34 noted (Section 2.2.1) that the DEIR did not identify significant impacts of any of those
35 activities that would require mitigation. The responses also explained why measures related
36 to pile removal and driving were either infeasible or would not reduce impacts.

37 The Board finds that specific economic, environmental, legal, social, technological, or other
38 considerations make infeasible additional mitigation or lease measures or Project alternatives
39 identified in the Final EIR.

40 **Rationale for Finding**

41 Changes or alterations have been incorporated into the Proposed Project in the form of lease
42 and mitigation measures **LM AQ-1** through **LM AQ-3**, and **MM AQ-1** and **MM AQ-2**,
43 which would reduce the peak daily operational emissions impact relative to Project levels,
44 and which represent feasible means to reduce air pollution impacts from the Project's
45 operational sources. All lease and mitigation measures determined to be feasible by LAHD
46 have been identified in the Final EIR.

1 **Impact AQ-4: Operation of the Proposed Project would result in offsite**
2 **ambient air pollutant concentrations that exceed a SCAQMD threshold**
3 **of significance.**

4 As shown in Table 3.1-13 of the Draft EIR, maximum localized off-site ambient pollutant
5 concentrations associated with operation of the Proposed Project would be significant for
6 particulate matter (PM)₁₀ (annual and 24-hour average) and PM_{2.5} (24-hour average) in all
7 analysis years. The largest contributors of maximum annual PM₁₀ concentrations due to
8 operational activities would be fugitive dust emissions from material handling through
9 process hoppers and the movements by the front-end loader. The largest contributors of
10 maximum daily PM₁₀ concentrations would be fugitive dust emissions from material
11 handling through conveyors and hoppers. The largest contributors of maximum daily PM_{2.5}
12 concentrations would be fugitive emissions from paved road dust sourced from on-site
13 delivery trucks, transport of gypsum to storage silos, and loading chutes, and would occur at
14 the facility's boundary and at Berth 191.

15 **Finding**

16 The Board hereby finds that changes or alterations have been required in or incorporated
17 into, the Proposed Project that would avoid or substantially lessen the significant
18 environmental impact identified in the Final EIR. The implementation of the following
19 LAHD lease and mitigation measures would reduce operational emissions.

20 **LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment.**

21 **LM AQ-2: Periodic Review of New Technology and Regulations.**

22 **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study.**

23 **MM AQ-1: Vessel Speed Reduction Program (VSRP).**

24 **MM AQ-2: Front End Loader Replacement Schedule.**

25 As described under Impact AQ-4, above, the Final EIR considered mitigation measures
26 suggested by public comments. The EIR's consideration of these measures is presented in
27 Chapter 2, Responses to Comments, of the Final EIR and summarized in these Findings. The
28 Board finds that specific economic, environmental, legal, social, technological, or other
29 considerations make infeasible additional mitigation or lease measures, or Project
30 alternatives identified in the Final EIR.

31 **Rationale for Finding**

32 Changes or alternations have been incorporated into the Proposed Project in the form of
33 lease measures **LM AQ-1**, **LM AQ-2**, **LM AQ-3**, and mitigation measures **MM AQ-1** and
34 **MM AQ-2**, which would reduce ambient air quality impacts relative to Proposed Project
35 levels and represent feasible means to reduce air pollution impacts from the Project's
36 operational sources. Three mitigation measures that would reduce construction-related
37 emissions (**MM AQ-3** through **MM AQ-5**) have been added to the EIR. All mitigation
38 measures determined feasible by LAHD have been identified in the Final EIR.

39 **3.2.2 Noise**

40 As discussed in Section 3.7 of the Draft EIR, there would be two unavoidable significant
41 impacts related to construction noise from the Proposed Project. The impacts and mitigation
42 measure are discussed below.

1 **Impact NOI-1a: Daytime construction activities lasting more than 10 days in a 3-month**
2 **period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-**
3 **sensitive/receptor.**

4 As shown in Table 3.7-11 and Table 3.7-12 of the Draft EIR, daytime peak-hour
5 construction noise levels (Leq) from the Proposed Project would exceed the significance
6 thresholds at the westernmost finger pier at the California Yacht Harbor. This is considered a
7 significant impact. The sound levels at this location would be dominated by pile driving
8 activity.

9 **Impact NOI-1b: Construction activities could result in noise levels that would exceed**
10 **the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00**
11 **p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on**
12 **Saturday, or at any time on Sunday.**

13 As described in Section 2.5 of the Draft EIR, project night-time construction is not proposed.
14 However, the LAMC permits nighttime construction in industrial areas, and this analysis
15 cannot rule out the possibility that circumstances such as an emergency situation would
16 necessitate some nighttime construction, including pile driving. In such a case, construction
17 could result in the noise levels presented in Tables 3.7-11 and 3.7-12 of the Draft EIR, and
18 impacts would likely be significant.

19 **Finding**

20 The Board hereby finds that changes or alterations have been required in, or incorporated
21 into, the Proposed Project that avoid or substantially lessen the significant environmental
22 impacts identified in the Final EIR. As construction would be of short duration, construction
23 noise would be temporary. The implementation of mitigation measures **MM NOI-1**, **MM**
24 **NOI-2**, and **MM NOI-3** would reduce noise impacts to the greatest extent feasible.

25 **MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities**

26 Where feasible, erect temporary noise barriers around all landside pile driving equipment.
27 The barriers should be installed directly between the pile driving equipment and the
28 California Yacht Harbor so as to break line-of-sight.

29 **MM NOI-2: Noise Reduction of Landside Pile Driving**

30 In place of impact pile driving systems, where feasible, require the use a vibratory pile
31 driving system or other pile driving system limited to 95 dBA or less when measured at a
32 distance of 50 feet for landside pile driving.

33 Following the implementation of the mitigation measures, impacts would remain significant
34 and unavoidable. Specific economic, legal, social, technological, or other considerations
35 make any additional mitigation measures infeasible.

36 The Board finds that specific economic, environmental, legal, social, technological, or other
37 considerations make infeasible additional mitigation measures or project alternatives
38 identified in the Final EIR. All mitigation measures determined feasible by LAHD as
39 identified in the Final EIR have been incorporated into the proposed Project. Nevertheless,
40 even with the incorporation of feasible mitigation measures, impacts would remain
41 significant and unavoidable.

42 **MM NOI-3: Usage of Wooden Cushion Block**

1 The construction contractor shall use a wooden cushion block to dampen the noise impact
2 from pile driving. This wooden cushion block shall be placed between the pile and hammer.
3 It shall only be applicable to driving concrete piles.

4 **Rationale for Finding**

5 As part of the Draft EIR, mitigation measures were developed that are aimed at reducing
6 noise impacts through the application of on-site construction control measures, including
7 noise barriers and decibel limitations during pile driving. Changes or alterations have been
8 incorporated into the Proposed Project in the form of mitigation measures **MM NOI-1, MM**
9 **NOI-2, and MM NOI-3**, which represent feasible means of reducing construction noise
10 impacts. Impacts would be reduced to the greatest extent feasible as a result of
11 implementation of those mitigation measures, but impacts would remain significant and
12 unavoidable for construction noise. All mitigation measures determined feasible by LAHD
13 have been identified in the Final EIR.

14 **3.3 Findings Regarding Environmental Impacts Found to Be** 15 **Less than Significant after Mitigation**

16 The Final EIR concludes that less-than-significant impacts would occur after mitigation on
17 the following environmental resources if the Proposed Project was implemented.

- 18 • Biological Resources
- 19 • Greenhouse Gases

20 The following Findings pertain to environmental impacts of the Proposed Project for which
21 mitigation measures have been identified in the Final EIR that will avoid or substantially
22 lessen the significant environmental effects to less than significant.

23 **3.3.1 Biological Resources**

24 As discussed in Section 3.2 of the Draft EIR, there would be one significant impact to
25 Biological Resources that would be mitigated to less than significant levels as a result of a
26 mitigation measure incorporated into the Proposed Project. The impact and the mitigation
27 measure are discussed below.

28 **Impact BIO-1: The Proposed Project has the potential to result in the**
29 **loss of individuals or the reduction of habitat of a state- or federally**
30 **listed endangered, threatened, rare, protected, or candidate species, or**
31 **a Species of Special Concern or the loss of federally listed critical**
32 **habitat.**

33 Underwater noise from pile driving required for construction of the Proposed Project could
34 result in disturbance (Level B harassment) to marine mammals (i.e., harbor seals and sea
35 lions) if such mammals are present in the vicinity of pile driving operations. These potential
36 noise impacts to marine mammals in the vicinity of pile driving operations would be
37 potentially significant before mitigation.

38 **Finding**

39 The Board hereby finds that changes or alterations have been required in, or incorporated
40 into, the Proposed Project that avoid or substantially lessen the environmental effect
41 identified in the Final EIR. The implementation of mitigation measure **MM BIO-1**, shown

1 below, would reduce potential noise impacts to marine mammals as a result of pile driving
2 during construction to less than significant.

3 **MM BIO-1: Protect Marine Mammals.** Although it is expected that marine mammals will
4 voluntarily move away from the area at the commencement of the “soft start” of pile driving
5 activities, as a precautionary measure, pile driving activities shall include establishment of a
6 safety zone, by a qualified marine mammal professional, and the area surrounding the
7 operations (including the safety zones) shall be monitored for marine mammals by a qualified
8 marine mammal observer². The pile driving site shall move with each new pile; therefore, the
9 safety zones shall move accordingly.

10 **Rationale for Finding**

11 Changes or alterations have been incorporated into the Proposed Project in the form of
12 mitigation measure **MM BIO-1**. Mitigation measure **MM BIO-1** would reduce potentially
13 significant impacts to marine mammals resulting from noise associated with pile driving by
14 requiring initiation of pile driving with a soft start and establishment of a safety zone, as well
15 as monitoring by a qualified marine mammal observer. Therefore, implementation of
16 mitigation measure **MM BIO-1** would reduce impacts associated with the loss of individuals,
17 or the reduction of existing habitat, of a state- or federally-listed endangered, threatened, rare,
18 protected, or candidate species, or a Species of Special Concern to a less-than-significant
19 level.

20 **3.3.2 Greenhouse Gas Emissions**

21 As discussed in Section 3.5 of the Draft EIR, there would be one significant impact related to
22 Greenhouse Gases that would be mitigated to less than significant levels as a result of a
23 mitigation measure incorporated into the Proposed Project. The impact and mitigation and
24 lease measures are discussed below.

25 **Impact GHG-1: The Proposed Project would generate GHG emissions, 26 either directly or indirectly, that would exceed the SCAQMD 10,000 mty 27 CO_{2e} threshold.**

28 The Proposed Project’s GHG emissions would exceed the GHG threshold of 10,000 mty in
29 all analysis years. Emissions from amortized construction and all operational source types
30 would decrease between 2027 and 2049 because of reduced GHGs from electricity production
31 and on-road trucks. Nevertheless, GHG emissions would exceed the significance threshold
32 through 2049, representing a potentially significant impact.

33 **Finding**

34 The Board hereby finds that changes or alterations have been required in, or incorporated
35 into, the Proposed Project that would reduce the significant environmental impacts identified
36 in the Final EIR to less than significant. The implementation of mitigation measures **MM**

² Marine mammal professional qualifications shall be identified based on criteria established by LAHD during the construction bid specification process. Upon selection as part of the construction award winning team, the qualified marine mammal professional shall develop site specific pile driving safety zone requirements, which shall follow the National Oceanic and Atmospheric Administration (NOAA) Fisheries Technical Guidance Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NOAA Fisheries 2018) in consultation with the Acoustic Threshold White paper prepared for this purpose by LAHD (LAHD 2017a). Final pile driving safety zone requirements developed by the selected marine mammal professional shall be submitted to LAHD Construction and Environmental Management Divisions prior to commencement of pile driving.

1 **GHG-1**, shown below, and **MM AQ-1** and **MM AQ-2** and lease measures **LM AQ-1**
2 through **LM AQ-7**, as described above under Section 3.2.1, Air Quality and Meteorology,
3 would reduce GHG emissions to less than significant. The Board notes that MM GHG-1 was
4 described in the DEIR as a lease measure, but that because it was subsequently modified to
5 mitigate GHG emissions it is now designated as a mitigation measure.

6 **MM GHG-1: GHG Reduction Offsets:** The Tenant shall be required to purchase and retire
7 carbon offsets related to activities that reduce, avoid, destroy, or sequester an amount of
8 GHG emissions in an off-site location to offset the equivalent amount of GHG emissions
9 generated by the Project, with the exception of electricity consumption. The Tenant shall
10 purchase and retire carbon offsets in an amount that would be the equivalent of the Project's
11 GHG Emissions of 4,985 Metric Tons (MT) from first year of operation until 2049 and 4,073
12 MT from 2049 through the end of the term of the Permit. The Tenant shall purchase and
13 retire carbon offsets on an annual basis, commencing after construction is complete and
14 during the first year of operation. The LAHD is in the process of developing a Greenhouse
15 Gas Program. The Program shall be used for GHG-reducing projects and programs approved
16 by the Port of Los Angeles. If that Program is established during the term of the Permit, the
17 Tenant shall have the option to offset the required amount of GHG emissions through a
18 funding contribution to the Greenhouse Gas Program rather than towards purchasing carbon
19 offsets from a CARB-recognized registry.

20 While the LAHD Greenhouse Gas Program is currently under development, the Tenant shall
21 purchase and retire carbon offsets from a CARB-recognized offset registry as follows:

22 Carbon offsets: The Tenant shall purchase and retire carbon offsets from a CARB-
23 recognized registry to ensure that offsets will result in real, permanent, additional,
24 quantifiable, verifiable, and enforceable reductions. The carbon offsets shall be verifiable by
25 LAHD and enforceable in accordance with the registry's applicable standards, practices, or
26 protocols.

27 The order of priority for purchasing (any one or more) carbon offsets shall be considered as
28 follows:

- 29 1. Originating within the local area;
- 30 2. Originating within the South Coast Air Basin;
- 31 3. Originating within the state of California; or
- 32 4. If sufficient local and in-state offsets are not available, the Tenant shall purchase
33 conforming national offsets registered with a CARB-recognized registry.

34 Adjustment of Tenant's Required Offsets through Other Verified GHG Emission
35 Reductions: The Tenant may pursue the following modifications to the Project's total
36 estimated GHG emissions identified in this measure. These modifications may be pursued in
37 conjunction with or independent of each other on an annual basis.

38 *1. Adjustment in Natural Gas Consumption*

39 In the event natural gas consumption differs from the assumptions or is offset in the future
40 due to changes in technology, efficiency, reduced operations, or for any other purpose, the
41 Tenant may request an adjustment of the required offsets based on actual natural gas
42 consumption, as verified through utility bills, rather than projected future usage. To adjust
43 the Tenant's required number of offsets for purchase, the Tenant shall make a request in
44 writing to the LAHD for review and approval for the time period under consideration and

1 shall provide copies of utility bills showing the amount of natural gas consumed at the
2 project site along with a revised greenhouse gas emission calculation performed by an
3 independent, qualified third-party verifier.

4 or

5 *2. Adjustment in GHG Emissions*

6 In the event of changes in activities, efficiency, reduced operations, or for any other purpose,
7 the Tenant may request an adjustment of the required carbon offsets based on an evaluation
8 of actual GHG emissions rather than future projected GHG emission calculations. To adjust
9 the Tenant's required number of carbon offsets for purchase, the Tenant shall make a request
10 in writing to the LAHD for review and approval for the calendar year under consideration
11 and shall submit a report within 60 days that quantifies the actual greenhouse gas emissions
12 by an expert or an independent, qualified third-party. The evaluation of actual greenhouse
13 gas emissions must be performed using acceptable industry standards and protocols for all
14 sources that were included in the Project's GHG emissions calculations under MM GHG-X.
15 LAHD review shall occur within 30 days of receipt of the submitted report. Any expenses
16 incurred by LAHD in processing the Tenant's request, including retaining an independent
17 third-party verifier to peer review the report, shall be borne by the Tenant.

18 or

19 *3. Implementation of Additional GHG Reduction Methods*

20 In addition, the Tenant may request a reevaluation of required carbon offsets to be purchased
21 according to this paragraph. The Tenant may implement different and additional GHG
22 reduction methods that are equally or more effective if new technology and/or other feasible
23 measures become available during the term of the Permit. To adjust the Tenant's required
24 number of carbon offsets for purchase, the Tenant shall identify such additional GHG
25 reduction actions and must quantify the GHG emission reductions from these GHG
26 reduction actions by an independent, qualified third-party verifier. Once the GHG reduction
27 actions are found to be feasible and are reviewed and approved by LAHD staff, the Tenant
28 may request that LAHD reduce its required purchase of carbon offsets by the equivalent
29 amount of demonstrated reduction. Any expenses incurred by LAHD in processing the
30 Tenant's request, including retaining a third-party verifier, shall be borne by the Tenant.

31 **Rationale for Finding**

32 As part of the Draft EIR, mitigation and lease measures were developed that are aimed at
33 reducing emissions through reduced fossil fuel use and through the purchase of GHG
34 mitigation credits from a CARB-approved exchange. Changes or alterations have been
35 incorporated into the Proposed Project in the form of mitigation measures **MM AQ-1, MM**
36 **AQ-2, and MM GHG-1** and lease measures **LM AQ-1 through LM AQ-7** and, which
37 represent feasible means of reducing GHG emissions. Impacts would be reduced as a result
38 of implementation of those mitigation and lease measures to less-than-significant levels. All
39 mitigation and lease measures determined feasible by LAHD have been identified in the
40 Final EIR.

41 **3.4 Cumulatively Considerable Impacts**

42 CEQA Guidelines Section 15130 requires an analysis of the Project's contribution to
43 significant and unavoidable cumulative impacts. Cumulative impacts include "two or more
44 individual effects which, when considered together, are considerable or which compound or

1 increase other environmental impacts” (CEQA Guidelines, Section 15355). According to
2 CEQA Guidelines Section 15130(b): “The discussion of cumulative impacts shall reflect the
3 severity of the impacts and their likelihood of occurrence, but the discussion need not
4 provide as great detail as is provided for the effects attributable to the project alone. The
5 discussion should be guided by the standards of practicality and reasonableness...” The
6 information presented in Chapter 4 (“Cumulative Analysis”) of the Draft EIR meets this
7 criterion.

8 As shown on DEIR Figure 4-1 and detailed in DEIR Table 4-1, a total of 48 current or
9 reasonably foreseeable future projects (approved or proposed) were identified in the Ports of
10 Los Angeles and Long Beach as well as the communities of San Pedro, Wilmington, and
11 Carson that have the potential to contribute to cumulative impacts.

12 The discussion below identifies cumulatively significant impacts that can either be mitigated
13 to less than significant or that cannot be mitigated to a less than significant level and
14 represent significant unavoidable impacts. All feasible mitigation measures to reduce or
15 avoid the cumulatively considerable contribution of the Proposed Project to these impacts
16 have been required in, or incorporated into, the Proposed Project. However, even with the
17 incorporation of all feasible mitigation and lease measures, cumulative impacts to these
18 environmental resources would remain significant and unavoidable. The Board has
19 determined that no additional feasible mitigation or lease measures, or project alternatives
20 would reduce significant cumulative impacts to less-than-significant levels, and—in light of
21 specific economic, legal, social, technological, and other considerations—the Board intends
22 to adopt a Statement of Overriding Considerations (see Chapter 1 of this document for
23 additional details). The impacts, mitigation and lease measures, findings, and rationale for
24 the findings for all significant and unavoidable cumulative impacts identified in the Final
25 EIR are summarized in Table 4 and discussed below. The DEIR (Chapter 4) determined that
26 the Proposed Project would not make a cumulatively considerable contribution to a
27 significant cumulative impact in any resource areas other than air quality, greenhouse gas
28 emissions, or noise (DEIR Table 4-2). A summary analysis of the cumulative impacts of
29 resource areas for which the IS/NOP determined that the Proposed Project’s potential
30 impacts would be less than significant is included in Section 3.4.4, below; the Final EIR has
31 been revised to include this information.

Table 4. Summary Matrix of Significant and Unavoidable Cumulative Impacts, Mitigation Measures, and Residual Impacts for the Proposed Project and Alternatives.

Resource Area	Environmental Impacts	Proposed Project and Alternatives ¹ Impacts	Applied Mitigation/Lease Measures or Controls	Cumulative Analysis for Proposed Project and Alternatives
Air Quality	AQ-3: Would operation of the Proposed Project or alternatives result in operational emissions that would make a cumulatively considerable contribution to a significant cumulative impact from exceedance of a SCAQMD threshold of significance in Table 3.1-6?	Operation emissions would be significant for NOx in all operational years	LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment LM AQ-2: Periodic Review of New Technology and Regulations LM AQ-3: At-Berth Vessel Emissions Control Pilot Study MM AQ-1: Vessel Speed Reduction Program (VSRP) MM AQ-2: Front End Loader Replacement Schedule ²	Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)
	AQ-4: Would operation of the Proposed Project or alternatives make a cumulatively considerable contribution to a significant cumulative impact related to offsite ambient air pollutant concentrations exceeding a SCAQMD threshold of significance?	Operation-related ambient pollutant concentrations would be significant in all years for annual and 24-hr PM ₁₀ , and 24-hr PM _{2.5}	LM AQ-1, LM AQ-2, LM AQ-3, MM AQ-1; MM AQ-2	Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)
	AQ-5: Would the Proposed Project or alternatives make a cumulatively considerable contribution to a significant cumulative impact from exposure of receptors to significant levels of toxic air contaminants?	Health risks would be below the significance threshold for all receptor types	LM AQ-1, LM AQ-2, LM AQ-3, LM AQ-4, MM AQ-1; MM AQ-2	Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)

Table 4. Summary Matrix of Significant and Unavoidable Cumulative Impacts, Mitigation Measures, and Residual Impacts for the Proposed Project and Alternatives.

Resource Area	Environmental Impacts	Proposed Project and Alternatives ¹ Impacts	Applied Mitigation/Lease Measures or Controls	Cumulative Analysis for Proposed Project and Alternatives
Noise	NOI-1a: Daytime construction activities lasting more than 10 days in a 3-month period that would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive/receptor.	Significant and unavoidable	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)
	NOI-1b: Construction activities could result in noise levels that would exceed the ambient noise level by 5 dBA at noise-sensitive receptors between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.	Significant and unavoidable	MM NOI-1: Noise Barriers Adjacent to Pile Driving Activities MM NOI-2: Noise Reduction of Landside Pile Driving MM NOI-3: Usage of Wooden Cushion Block	Cumulatively considerable and unavoidable for the Proposed Project and Alternative 2 (Reduced Project) and Alternative 3 (Product Import Terminal)

1: Alternative 1 (No Project) is not included because it would have no cumulatively considerable contribution to a significant cumulative impact

2: MM AQ-2 would not apply to Alternative 3, Product Import Terminal because no front-end loader would be used.

3.4.1 Air Quality and Meteorology

Cumulative Impact AQ-3: The Proposed Project's operation would make a cumulatively considerable contribution to a significant cumulative impact related to an exceedance of a SCAQMD threshold of significance in Table 3.1-6.

The Proposed Project's operational emissions would exceed SCAQMD significance thresholds for NO_x in all of the analyzed years (DEIR Table 3.1-11). These impacts would combine with impacts from related projects, including the Vopak cement terminal operation that would also utilize Berth 191; as a result, despite the implementation of mitigation measures, the Proposed Project's operational emissions would make a cumulatively considerable contribution to an existing significant cumulative impact for NO_x.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of lease measures **LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment**, **LM AQ-2: Periodic Review of New Technology and Regulations**, **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study**, and **MM AQ-1: Vessel Speed Reduction Program (VSRP)** would help reduce cumulatively considerable operational emissions.

Although these mitigation and lease measures would reduce the cumulative effect of operational emissions, that reduction would not sufficiently reduce the Proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. In particular, these measures would not reduce NO_x emissions to levels below thresholds in all operational years. The Board hereby finds that specific, environmental, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. Even with the incorporation of feasible lease measures and a mitigation measure, the Proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact related to NO_x.

Rationale for Finding

The emissions from cumulative projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily operational emission thresholds. This would be the case for all analyzed criteria pollutants; therefore, the past, present, and future related projects would result in a significant cumulative air quality criteria pollutant impact and the Proposed Project's incremental contribution to that cumulatively significant impact would be cumulatively considerable. Lease measures **LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment**, **LM AQ-2: Periodic Review of New Technology and Regulations**, **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study**, and **MM AQ-1: Vessel Speed Reduction Program (VSRP)** would help reduce operational emissions; however, they would not reduce the Proposed Project's contribution below a cumulatively considerable level. Consequently, emissions from operation of the Proposed Project would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for NO_x.

Cumulative Impact AQ-4: The Proposed Project’s operation would make a cumulatively considerable contribution to a significant cumulative impact related to offsite ambient air pollutant concentrations exceeding a SCAQMD threshold of significance.

Operation of the Proposed Project would produce maximum off-site emissions of PM₁₀ and PM_{2.5} that would exceed the annual and 24-hour ambient air thresholds in all analysis years (DEIR Table 3.1-12). These impacts would combine with impacts from concurrent related projects, including the Vopak cement terminal operation that would also utilize Berth 191. As a result, despite the implementation of lease and mitigation measures, Proposed Project operations would make a cumulatively considerable contribution to an existing significant cumulative impact related to ambient concentrations of PM₁₀ and PM_{2.5}.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the Proposed Project that would reduce the significant environmental effect identified in the Final EIR. The implementation of lease measures **LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment**, **LM AQ-2: Periodic Review of New Technology and Regulations**, **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study**, and **MM AQ-1: Vessel Speed Reduction Program (VSRP)** would help reduce cumulatively considerable operational emissions.

Although these lease measures would reduce the cumulative effect of operational emissions, that reduction would not sufficiently reduce the Proposed Project’s cumulatively considerable contribution of the impact to a less-than-significant level. The Board hereby finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible any mitigation measures or additional lease measures or Proposed Project alternatives identified in the Final EIR. Even with the incorporation of feasible lease measures and a mitigation measure, the Proposed Project would make a cumulatively considerable and unavoidable contribution to an existing significant cumulative impact related to offsite ambient concentrations of PM₁₀ and PM_{2.5}.

Rationale for Finding

The emissions from cumulative projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily operational emission thresholds. This would be the case for all analyzed criteria pollutants; therefore, the past, present, and future related projects would result in a significant cumulative air quality criteria pollutant impact and the Proposed Project’s incremental contribution to that cumulatively significant impact would be cumulatively considerable. Lease measures **LM AQ-1: Fleet Modernization for Cementitious Material Handling Equipment**, **LM AQ-2: Periodic Review of New Technology and Regulations**, **LM AQ-3: At-Berth Vessel Emissions Control Pilot Study**, and **MM AQ-1: Vessel Speed Reduction Program (VSRP)** would help reduce operational emissions; however, they would not reduce the Proposed Project’s contribution below a cumulatively considerable level. Consequently, emissions from operation of the Proposed Project would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for offsite ambient concentrations of PM₁₀ and PM_{2.5}.

1 **Cumulative Impact AQ-5: The Proposed Project would make a**
2 **cumulatively considerable contribution to expose receptors to**
3 **significant levels of TACs.**

4 Although the Proposed Project’s construction and operational emissions of TACs would
5 not increase cancer risk or population cancer burdens above the Project-level thresholds
6 of significance, these impacts would combine with cumulative impacts from concurrent
7 nearby projects. Therefore, the Proposed Project would make a cumulatively considerable
8 contribution to an existing significant cumulative impact for cancer risk and population
9 cancer burden.

10 Although the Proposed Project would not increase non-cancer chronic or acute impacts
11 above Project-level significance thresholds, these impacts would combine with
12 cumulatively significant non-cancer and acute impacts of concurrent nearby projects;
13 therefore, the Proposed Project would make a cumulatively considerable contribution to
14 significant cumulative non-cancer chronic and acute health impacts.

15 **Finding**

16 The Board hereby finds that changes or alterations have been required in, or incorporated
17 into, the Proposed Project that avoid or substantially lessen the significant environmental
18 effect identified in the Final EIR. The implementation of lease measures **LM AQ-1:** Fleet
19 Modernization for Cementitious Material Handling Equipment, **LM AQ-2:** Periodic
20 Review of New Technology and Regulations, **LM AQ-3:** At-Berth Vessel Emissions
21 Control Pilot Study, and **MM AQ-1:** Vessel Speed Reduction Program (VSRP) would
22 reduce the cumulative effect of exposure to TACs, but that reduction would not
23 sufficiently reduce the Proposed Project’s cumulatively considerable contribution of the
24 impact to a less-than-significant level.

25 Therefore, the Board hereby finds that specific economic, legal, social, technological, or
26 other considerations make infeasible additional mitigation measures or project alternatives
27 identified in the Final EIR. Even with the incorporation of feasible lease measures and a
28 mitigation measure, the Proposed Project would make a cumulatively considerable
29 contribution to an existing significant cumulative impact for cancer risk, population cancer
30 burden, and non-cancer chronic and acute health risks.

31 **Rationale for Finding**

32 SCAQMD’s Multiple Air Toxics Exposure Study (MATES IV) showed that the cancer
33 risk from toxic air contaminants was estimated at roughly 480 in one million in the San
34 Pedro and Wilmington areas. In their *Diesel Particulate Matter Exposure Assessment*
35 *Study for the Ports of Los Angeles and Long Beach*, the California Air Resources Board
36 (CARB) estimated that elevated levels of cancer risk due to operational emissions from the
37 Ports of Los Angeles and Long Beach occur within and in proximity to the two ports.
38 Based on this information, cancer risk from TAC emissions within the project region, and
39 non-cancer impacts associated with past, present, and reasonably foreseeable projects in
40 the proposed project area, are therefore cumulatively significant.

41 Implementation of Proposed Project lease measures that reduce diesel combustion and
42 other TAC emissions, specifically lease measures **LM AQ-1** through **LM AQ-3**, and **MM**
43 **AQ-1**, would reduce TAC emissions from the Proposed Project. Although
44 implementation of those lease measures would reduce overall emissions, the Proposed
45 Project would add to the TAC burden in the vicinity and result in a cumulatively

1 considerable contribution to an existing cumulatively significant impact for cancer risk,
2 population cancer burden, and non-cancer chronic and acute health risks. All mitigation
3 and/or lease measures determined feasible by LAHD as identified in the Final EIR have
4 been incorporated into the Proposed Project.

5 **3.4.2 Noise**

6 **Cumulative Impact NOI-1a: The Proposed Project's daytime** 7 **construction activities lasting more than 10 days in a 3-month period** 8 **could exceed existing ambient exterior noise levels by 5 dBA or** 9 **more at a noise-sensitive/receptor.**

10 As described in DEIR Section 4.2.7, only four related projects in the immediate vicinity
11 of the Project site could reasonably be assumed to be under construction at the same time
12 as the Proposed Project: the Vopak Liquid Bulk and Cement Terminal Project, the
13 Wilmington Waterfront Plan, the Avalon and Fries Street Segments Closure Project, and
14 the Avalon Freight Services Relocation Project. However, one of those, the Vopak
15 project, would involve pile driving, which is the noisiest of the common construction
16 activities. Construction of the Vopak project could result in daytime noise levels of up to
17 16 dBA above ambient noise levels, which would represent a significant impact.
18 Accordingly, the related projects are considered to represent a significant cumulative
19 impact with respect to daytime construction noise. As described in DEIR Section 3.7.4.3,
20 construction of the Proposed Project would cause exceedances of noise thresholds at a
21 sensitive receptor (the westernmost finger piers at the East Basin marinas). If
22 construction of the Vopak project occurred at the same time as construction of the
23 Proposed Project, construction of the Proposed Project would make a cumulatively
24 considerable contribution to a significant cumulative noise impact.

25 **Finding**

26 The Board hereby finds that changes or alterations have been required in, or incorporated
27 into, the Proposed Project that avoid or substantially lessen the significant environmental
28 impact identified in the Final EIR. The implementation of mitigation measures **MM**
29 **NOI-1: Noise Barriers Adjacent to Pile Driving Activities, MM NOI-2: Noise Reduction**
30 **of Landside Pile Driving, and MM NOI-3: Usage of Wooden Cushion Block** would help
31 reduce daytime construction noise levels, but they would not mitigate the Proposed
32 Project's cumulatively considerable contribution to the impact to a less-than-significant
33 level.

34 The Board hereby finds that specific economic, legal, social, technological, or other
35 considerations make additional mitigation measures or proposed project alternatives
36 identified in the Final EIR infeasible. Even with the incorporation of feasible mitigation
37 measures, the Proposed Project would make a cumulatively considerable contribution to a
38 significant cumulative noise impact.

39 **Rationale for Finding**

40 The Proposed Project would generate noise levels during daytime construction that would
41 exceed City of Los Angeles significance thresholds and would therefore result in
42 significant noise impacts. Those impacts would combine with impacts from related
43 projects and add to potential cumulatively significant construction noise impacts, thereby
44 making a cumulatively considerable contribution to a cumulative noise impact.

1 Mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would help reduce noise
2 but would not fully mitigate impacts to less-than-significant levels. Consequently, the
3 Proposed Project would make a cumulatively considerable contribution to a significant
4 cumulative impact. All feasible mitigation and/or lease measures determined feasible by
5 LAHD as identified in the Final EIR have been incorporated into the Proposed Project.

6 **Cumulative Impact NOI-1b: The Proposed Project's construction**
7 **activities could result in noise levels that would exceed the ambient**
8 **noise level by 5 dBA at noise-sensitive receptors between the hours**
9 **of 9:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m.**
10 **or after 6:00 p.m. on Saturday, or at any time on Sunday.**

11 As described in DEIR Section 4.2.7, only four related projects in the immediate vicinity
12 of the Project site could reasonably be assumed to be under construction at the same time
13 as the Proposed Project: the Vopak Liquid Bulk and Cement Terminal Project, the
14 Wilmington Waterfront Plan, the Avalon and Fries Street Segments Closure Project, and
15 the Avalon Freight Services Relocation Project. However, one of those, the Vopak
16 project, would involve pile driving, which is the noisiest of the common construction
17 activities and which could occur during nighttime hours. Under the Los Angeles
18 Municipal Code (LAMC) 41.40, nighttime construction would be allowed under
19 emergency situations, but that does not indicate that the Vopak project would be
20 partaking in nighttime construction. If construction of the Vopak project were to occur in
21 the evening, it could result in nighttime noise levels of up to 16 dBA above ambient noise
22 levels, which would represent a significant impact. Accordingly, the related projects are
23 considered to represent a significant cumulative impact with respect to construction
24 noise. As described in DEIR Section 3.7.4.3, if nighttime construction of the Proposed
25 Project were to occur, it would cause exceedances of noise thresholds at a sensitive
26 receptor (the westernmost finger piers at the East Basin marinas). If nighttime
27 construction of the Vopak project occurred at the same time as construction of the
28 Proposed Project, construction of the Proposed Project would make a cumulatively
29 considerable contribution to a significant cumulative noise impact.

30 **Finding**

31 The Board hereby finds that changes or alterations have been required in, or incorporated
32 into, the Proposed Project that avoid or substantially lessen the significant environmental
33 impact identified in the Final EIR. The implementation of mitigation measures **MM**
34 **NOI-1: Noise Barriers Adjacent to Pile Driving Activities**, **MM NOI-2: Noise Reduction**
35 **of Landside Pile Driving**, and **MM NOI-3: Usage of Wooden Cushion Block** would help
36 reduce nighttime construction noise levels but they would not mitigate the Proposed
37 Project's cumulatively considerable contribution to the impact to less-than-significant
38 levels.

39 The Board hereby finds that specific economic, legal, social, technological, or other
40 considerations make additional mitigation measures or proposed project alternatives
41 identified in the Final EIR infeasible. Even with the incorporation of feasible mitigation
42 measures, the Proposed Project would make a cumulatively considerable contribution to a
43 significant cumulative noise impact.

Rationale for Finding

The Proposed Project would generate noise levels during nighttime construction that would exceed City of Los Angeles significance thresholds and would therefore result in significant noise impacts. Those impacts would combine with impacts from related projects and add to potential cumulatively significant construction noise impacts, thereby making a cumulatively considerable contribution to a cumulative noise impact. Mitigation measures **MM NOI-1**, **MM NOI-2**, and **MM NOI-3** would help reduce noise but would not mitigate impacts to a less-than-significant level. Consequently, the Proposed Project would make a cumulatively considerable contribution to a significant cumulative impact. All feasible mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the Proposed Project.

3.4.3 Other Cumulative Impacts

The Initial Study (IS) for the Proposed Project evaluated the environmental issues in accordance with CEQA Guidelines Appendix G and concluded that the Proposed Project’s impacts in a number of resource areas would be less than significant and eliminated those areas from further analysis in the DEIR. LAHD has determined that it is appropriate to consider the potential for those less-than-significant impacts to make cumulatively considerable contributions to existing significant cumulative impacts. Table 5 summarizes LAHD’s conclusions in that regard, which are presented in more detail in Section 3.2.7 of the Final EIR. The analysis determined that none of the impacts identified as less than significant in the IS would result in the Proposed Project making a cumulatively considerable contribution to an existing significant cumulative impact.

Table 5. Findings Regarding Cumulative Environmental Impacts Found to Be Less than Significant

Appendix G Checklist Question	Would the Project	Basis for Finding
Aesthetics-1a	have a substantial adverse effect on a scenic vista?	The Project site is in a remote, industrial portion of the Port that is not readily visible to the public and is not part of a scenic vista.
Aesthetics-1c	conflict with applicable zoning and other regulations governing scenic quality?	The Proposed Project’s physical features would be consistent with the existing visual character of the immediate area.
Aesthetics-1d	create a new source of substantial light or glare?	The existing nighttime light environment is characterized by bright industrial lighting.
Air Quality-3d	result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Any additional odors generated by the Proposed Project and the nearby Vopak project (primarily exhaust fumes) would be consistent with the existing odor environment and would not be adjacent to sensitive receptors.
Biology-4b	have a substantial adverse effect on any riparian habitat or other sensitive natural community?	Construction and operation of the Proposed Project would not adversely affect eelgrass or kelp, and the small number of vessels and the existing biofouling and ballast water programs minimize the potential for the Proposed Project to introduce invasive species.

Appendix G Checklist Question	Would the Project	Basis for Finding
Cultural Resources-5a	cause a substantial adverse change in the significance of a historical resource?	A cultural resources study determined that the Proposed Project does not have the potential to adversely affect historical resources.
Cultural Resources-5b	cause a substantial adverse change in the significance of an archeological resource?	Because the Project site is on engineered fill placed early in the 20 th Century, archaeological resources would not be encountered during construction.
Energy-6b	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	The Proposed Project would be required to comply with applicable renewable energy and energy efficiency standards and regulations
Geology-7a	directly or indirectly cause potential substantial adverse effects involving fault rupture, strong ground shaking, ground failure including liquefaction, or landslides?	Project design and construction would take geological risk factors into account, incorporating appropriate geotechnical and engineering methods. Furthermore, seismic and soil issues are site-specific, meaning that a significant cumulative impact does not exist.
Geology-7b	result in substantial soil erosion or the loss of topsoil?	
Geology-7c	be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project?	
Geology-7d	be located on expansive soil?	
Hazards-9a	create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Routine control measures would be employed during construction and operation to control the small amounts of hazardous materials that would be used and to minimize potential releases of hazardous materials and hazardous wastes.
Hazards-9b	create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?	Construction activities at the Project site would not disturb offsite contamination, and routine measures would be employed during construction to minimize the exposure of workers and the environment to hazardous wastes at the Project site.
Hydrology & Water Quality-10a	violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Construction-related controls required by the Construction General Permit and Waste Discharge Requirements, operational controls required by the Industrial General Permit, and structural controls required by the City's stormwater programs and permit would prevent substantial contamination from entering harbor waters or groundwater.
Hydrology & Water Quality-10b	substantially decrease groundwater supplies or interfere substantially with groundwater recharge?	Groundwater underlying the Project site has no beneficial uses and would not be substantially affected by the Proposed Project.
Hydrology & Water Quality-10c(iii)	create or contribute runoff water that would exceed the capacity of existing or	The Proposed Project includes a new stormwater system designed to accommodate

Appendix G Checklist Question	Would the Project	Basis for Finding
	planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	anticipated flood flows and manage runoff pollutants.
Hydrology & Water Quality-10d	in flood hazard, tsunami, or seiche zone, risk release of pollutants due to project inundation?	The Project site is not vulnerable to substantial flooding.
Public Services-15a(v)	Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered other public facilities?	The Proposed Project and the adjacent Vopak project would add oceangoing vessel traffic to the overall vessel traffic in the Port, but the increase would be negligible in the context of total traffic volumes and the existing facilities are adequate to manage vessel traffic safely,
Transportation/Traffic-17d	result in inadequate emergency access?	The Proposed Project in concert with other nearby projects would not alter emergency access and would not substantially hinder access to Fire Station 49.
Transportation/Traffic-17e	result in a change in marine vessel traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Vessel traffic at Berth 191, including that serving the Vopak terminal, would be too infrequent to hinder fireboat operations or increase vessel safety risks.
Utilities and Service Systems-19a	require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities?	The existing utility infrastructure is adequate to serve the Proposed Project and nearby users, and no off-site construction would occur requiring relocation of facilities.
Utilities and Service Systems-19d	generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Existing solid waste disposal facilities are adequate to accommodate the Proposed Project's small amount of solid waste.
Utilities and Service Systems-19e	comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	The Proposed Project would comply with federal, state, and city solid waste regulations and codes and with state and city waste minimization, diversion, and recycling regulations and policies.

Chapter 4

The Proposed Project and Alternatives

Three alternatives were considered during the preparation of this Draft EIR; 1) The No Project Alternative (Alternative 1), which is required under CEQA, 2) the Reduced Project Alternative (Alternative 2) that consists of lower throughput and facility activity levels, and 3) the Product Import Terminal Alternative (Alternative 3), which does not include a processing facility but instead imports finished cement products. Chapter 5 Comparison of Alternatives of the Draft EIR contains an analysis of these alternatives because they were found to achieve the Project’s objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the Proposed Project.

4.1 Reasonable Range of Alternatives

Lead agencies are required to evaluate a “reasonable range” of alternatives but are not required to evaluate every possible alternative: “an EIR need not consider every conceivable alternative to a project” (State CEQA Guidelines Section 15126.6(a)). The “range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice” (State CEQA Guidelines Section 15126.6(f)).

Based on the primary purpose and objectives associated with the Proposed Project, the three alternatives analyzed in the Draft EIR constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed project approval (or approval of one of its alternatives), approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations of the alternatives analyzed in the Draft EIR. Similarly, “[a]bsolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned” (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022, 1029).

4.2 Alternatives Considered in the Draft EIR

Under CEQA, the analysis of alternatives need not be as in-depth as the analysis for the Proposed Project but should be at a level that allows the decision-makers to make an informed determination regarding the differences in impacts between the Proposed Project and each of its alternatives. The three alternatives analyzed in Chapter 5 of the Draft EIR are summarized in Table 6 below, which also shows the Proposed Project for comparison.

1 **Table 6: Summary of Proposed Project and Alternatives at Full Operation (From**
 2 **2027 and Thereafter)**

Activity	Alternative			
	Proposed Project	Alt 1: No Project	Alt. 2: Reduced Project	Alt. 3: Product Import Terminal
Granulated Blast Furnace Slag (GBFS) Import (metric tons/year)	800,000	0	540,000	0
Gypsum Imports (metric tons/year)	39,500	0	26,700	0
Ground Granulated Blast Furnace Slag (GGBFS) Production/Import (metric tons/year)	775,000	0	522,950	775,000*
Vessel Calls per year	24	0	16	23
Gypsum truck trips, one-way trips/year	3,950	0	2,670	0
Product truck trips, one-way trips/year	62,000	0	41,836	62,000
Total Truck Trips, one-way trips/year	65,950	0	44,506	62,000
Employees	26	0	18	12

* Includes import of non-GGBFS products such as Portland cement, fly ash, and pozzolans.

Note: Import amounts are greater than product amounts for the Proposed Project and Alternative 2 because of loss of moisture during processing.

3 **4.2.1 Alternative 1 – No Project Alternative**

4 The No Project Alternative (Alternative 1) required by CEQA represents what would
 5 reasonably be expected to occur in the foreseeable future if the Proposed Project were not
 6 approved (State CEQA Guidelines, Section 15126.6(e)). Under this alternative, the
 7 existing site at Berths 192-194 would remain largely vacant, the improvements to the wharf
 8 at Berth 191 would not be undertaken (unless by another, unrelated project), and the land
 9 use designation under the Port Master Plan would not be changed from “liquid bulk” to
 10 “dry bulk.” The site would be available for use consistent with its current zoning
 11 designation (heavy industrial uses) and the Port Master Plan’s current land use
 12 designation (liquid bulk facility). Any subsequent use of the site, once identified, would
 13 be subject to additional environmental review, but at this time the LAHD does not
 14 contemplate any other projects on the site.

15 **4.2.2 Alternative 2 – Reduced Project Alternative**

16 In the Reduced Project Alternative (Alternative 2), all of the elements of the Proposed
 17 Project would be built but the capacity of the facility to produce GGBFS would be
 18 reduced, such that the facility would produce 522,950 tons of GGBFS per year rather
 19 than the 775,000 tons that the Proposed Project would produce. This production would be
 20 derived from 540,000 metric tons per year of GBFS and 26,7000 metric tons per year of
 21 raw gypsum material that is annually received. However, the logistics of stockpiling
 22 granulated blast-furnace slag (GBFS) delivered by oceangoing vessels, and gypsum
 23 delivered by trucks, and the economies that could arise from simply operating the mill
 24 fewer hours per day mean that it is likely that the Reduced Project Alternative
 25 (Alternative 2) would construct a facility very similar in size and configuration to the
 26 Proposed Project. Only the activity levels of the facility (see Table 4) would be different
 27 from the Proposed Project. As a result, the facility would generate approximately 44,500

1 total one-way truck trips per year and 16 vessel calls per year, and employ 18 full-time
2 workers on site.

3 **4.2.3 Alternative 3 – Product Import Terminal Alternative**

4 In the Product Import Terminal Alternative (Alternative 3) there would not be any
5 processing of raw materials and the GGBFS finished product would come from overseas
6 by vessel. The finished powder product that is produced overseas would be transported
7 by ocean-going bulk vessels to Berth 191, where it would be off-loaded to storage silos
8 on the Berth 192-194 site by the vacuum conveyor system. The operations would be
9 essentially the import and storage of the product and the loading of customer trucks. The
10 scale of construction would be similar to the Proposed Project in terms of ground
11 improvements, but the actual structures and site configuration would be simpler and thus
12 require a less intensive construction effort. In particular, the office building, truck-loading
13 silos, weighbridges, and electric substation would be constructed, but there would be no
14 open storage piles for GBFS and gypsum, and none of the mobile equipment needed to
15 manage the storage piles would be installed. The Product Import Terminal Alternative
16 (Alternative 3) would also include 60,000-ton bulk storage structures and a fixed,
17 enclosed vacuum suction conveyor system that connects Berth 191 to the storage
18 structure, which would house GBFS storage piles.

19 In addition to importing GGBFS, the Product Import Terminal Alternative (Alternative 3)
20 would be expected to handle a variety of cementitious products of the types handled by
21 other cement import terminals at Southern California ports (e.g., Portland cement, fly ash,
22 ground natural pozzolan) in order to lower the risk of not being able to secure large
23 cargoes of GGBFS, given the uncertainties in foreign supplies of that material and remain
24 profitable as a terminal owned by a business not operating a cement plant in California.
25 As a result, the Product Import Terminal Alternative (Alternative 3) would likely supply
26 lower quantities of low-carbon binder than either the Proposed Project or the Reduced
27 Project Alternative (Alternative 2), and would instead likely import other, higher-carbon
28 construction binders. Finally, under this alternative, the maximum capacity of the
29 Ecocem facility would be unchanged at 775,000 metric tons of cementitious materials per
30 year. The facility would generate approximately 62,000 one-way truck trips per year,
31 receive 23 vessel calls per year, and have 12 employees.

32 **4.3 Environmentally Superior Alternative**

33 CEQA requires identification of an environmentally superior alternative. The No Project
34 Alternative (Alternative 1) is the Environmentally Superior Alternative because it would
35 have no impacts to the three resource areas in which unavoidable significant impacts were
36 identified in the Draft EIR. However, none of the Proposed Project's objectives,
37 including the primary objective to supply the Southern California construction industry
38 with a low-carbon binder (ground granulated blast furnace slag [GGBFS]), to enable the
39 use of Ecocem's cementitious technologies in the construction of eco-efficient projects,
40 and to help the State of California meet its net-zero emissions target for the cement
41 industry. CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No
42 Project Alternative (Alternative 1) is determined to be the environmentally superior
43 alternative, another alternative must also be identified as environmentally superior.

44 As discussed in Draft EIR Section 5.3.1, the Proposed Project, the Reduced Project
45 Alternative (Alternative 2), and the Product Import Terminal Alternative (Alternative 3)
46 would have significant unavoidable impacts related to air quality, greenhouse gases

(GHGs), and noise. Under the Reduced Project Alternative (Alternative 2), impacts to air quality and GHGs would be slightly reduced as compared to the Proposed Project due to lower operational activity levels (Table 4). The Product Import Terminal Alternative (Alternative 3) would have lower impacts to air quality and GHGs than either the Proposed Project or the Reduced Project Alternative (Alternative 2) because there would be less construction emissions and no operational emissions from a processing facility. For noise, the Reduced Project Alternative (Alternatives 2) and the Product Import Terminal (Alternative 3) would have similar impacts to those of the Proposed Project. Due to the reduced impacts related to air quality and GHGs, the Product Import Terminal Alternative (Alternative 3) is deemed to be the “Environmentally Superior Alternative.”

4.4 CEQA Findings for the Alternatives Analyzed

4.4.1 Alternative 1 – No Project Alternative

The No Project Alternative (Alternative 1) is required under CEQA Guidelines Section 15126.6(e) and would not result in any physical improvements to the existing site. Under the No Project Alternative (Alternative 1), construction and operation of a low-carbon cement processing facility would not occur and the Southern California region would not have increased access to supplies of low-carbon binder. Under this alternative, the Berths 192-194 site would remain largely vacant.

Finding

The Board hereby finds that although the No Project Alternative (Alternative 1) would result in reduced construction and operationally related environmental impacts as compared to the Proposed Project, this alternative would not result in a low-carbon cement facility, and thus it would not meet the underlying primary purpose and objectives of the Project of maximizing supplies of low-carbon binder, establishing a facility capable of producing a low-carbon binder at a deep-water berth in Southern California, facilitating the future development of improved low-carbon binders, and reducing the carbon footprint of the cement consumed in California. As a result, the Board finds that the No Project Alternative (Alternative 1) is not a feasible alternative to the Proposed Project because it would not accomplish the Project’s primary purpose and objectives.

Facts in Support of the Finding

The No Project Alternative (Alternative 1) would result in reduced environmental impacts related to air quality, GHG emissions, noise, and cumulative impacts as compared to the Proposed Project because this alternative would not include any construction or operational activity. However, although the No Project Alternative (Alternative 1) would result in reduced environmental impacts, it would not meet the underlying purpose and objective of the Proposed Project, which is to maximize supplies of low-carbon binder in the Southern California region.

4.4.2 Alternative 2 – Reduced Project Alternative

Under the Reduced Project Alternative (Alternative 2), all of the elements of the Proposed Project would be built, but the capacity of the facility to produce GGBFS would be reduced. The terminal would operate at a lower throughput, and therefore at lower activity levels, than the Proposed Project.

1 Finding

2 The Board hereby finds that although the Reduced Project Alternative (Alternative 2)
3 would feasibly meet the Project's underlying purpose and objectives, it would not provide
4 Southern California with the maximum amount of low-carbon construction binder, and thus
5 not fully realize the Proposed Project's benefit related to reducing the carbon footprint of
6 the cement consumed in California. In particular, the Reduced Project Alternative
7 (Alternative 2) would only produce approximately 523,000 tons of GGBFS per year,
8 rather than the 775,000 tons that the Proposed Project would produce. Thus, the Reduced
9 Project Alternative (Alternative 2) would not provide Southern California's construction
10 industry with the supply chain for GGBFS that the Proposed Project would provide, and
11 would therefore not achieve the objective of maximizing production of one of the lowest-
12 carbon binders. The Reduced Project Alternative (Alternative 2) would also have the
13 same types of significant and unavoidable environmental impacts as the Proposed Project
14 would, including those to air quality, GHGs, and noise. Even though those impacts would
15 be somewhat less severe under the Reduced Project Alternative (Alternative 2), they
16 would still remain significant and unavoidable even with mitigation. Thus, the Board
17 finds that the Reduced Project Alternative (Alternative 2) is not a feasible alternative to the
18 Proposed Project because it would not accomplish the Project's goals and objectives as
19 successfully as the Proposed Project, and would not provide the environmental benefits
20 that the Proposed Project would.

21 Facts in Support of the Finding

22 The Reduced Project Alternative (Alternative 2) would result in reduced activity levels
23 but would not substantially reduce environmental impacts relative to the Proposed Project,
24 in part because construction would be nearly identical and would still result in significant
25 and unavoidable air quality impacts (see DEIR Section 3.1 and Chapter 5), and noise
26 impacts (see DEIR Section 3.7 and Chapter 5). Further, as described in DEIR Chapter 5,
27 the Reduced Project Alternative (Alternative 2) would not fully meet the Project's
28 objective of facilitating the development of low-carbon, high-performance binders and
29 reaping the Proposed Project's benefit related to reducing the carbon footprint of cement
30 consumed in Southern California. Accordingly, the Board finds that the Reduced Project
31 Alternative (Alternative 2), while feasible, would not provide substantial environmental
32 benefits compared to those provided by the Proposed Project, and would not meet the
33 Project's objectives as successfully as the Proposed Project would.

34 4.4.3 Alternative 3 – Product Import Terminal Alternative

35 Construction of the Product Import Terminal Alternative (Alternative 3) would be similar
36 to the Proposed Project in terms of ground improvements, but the actual structures and site
37 configuration would be simpler and thus require a less intensive construction effort.
38 Operations would entail the import and storage of a variety of cementitious products,
39 including the types handled by other cement import terminals at Southern California ports,
40 and loading those products onto customer trucks. The Product Import Terminal Alternative
41 (Alternative 3) would likely supply lower quantities of low-carbon binder than the
42 Proposed Project and Reduced Project Alternative (Alternative 2) would, and would instead
43 likely import other, higher-carbon construction binders. As a result, the Proposed Project's
44 benefit related to reducing the carbon footprint of the cement consumed in California
45 would not be realized.

1 **Finding**

2 The Board hereby finds that the Product Import Terminal Alternative (Alternative 3)
3 would feasibly meet some of the underlying purposes and objectives of the Proposed
4 Project because it would help California meet some of its net-zero emissions targets for
5 cement and would facilitate the future development of improved low-carbon, high-
6 performance binders. However, the Board finds that, by not including a processing
7 facility, the Product Import Terminal Alternative (Alternative 3) would not provide the
8 industry with a supply chain for GGBFS, would not provide necessary raw material
9 import capacity for an environmentally sustainable cementitious construction product,
10 and would not help the State of California meet its net-zero emission targets for all
11 cement used in the state to the same extent as the Proposed Project would. Furthermore,
12 because the maximum capacity of the Product Import Terminal Alternative (Alternative
13 3) would remain the same as that of the Proposed Project—i.e., 775,000 metric tons of
14 cementitious materials per year—the environmental impacts of the Product Terminal
15 Alternative (Alternative 3) would not be substantially less than those of the Proposed
16 Project.

17 As a result, the Board finds that the Product Import Terminal Alternative (Alternative 3),
18 while feasible, does not meet the fundamental project goals and objectives as successfully
19 as the Proposed Project would, and does not provide substantive environmental benefits
20 relative to the Proposed Project.

21 **Facts in Support of the Finding**

22 Although the Product Import Terminal Alternative (Alternative 3) would not include an
23 on-site processing facility, it would still handle the same quantity of cementitious materials
24 per year as that of the Proposed Project (i.e., 775,000 metric tons per year). As a result, the
25 Product Import Terminal Alternative (Alternative 3) would not substantially reduce
26 environmental impacts relative to the Proposed Project, as oceangoing vessels, trucks,
27 and on-site equipment, which account for the bulk of impacts of the Proposed Project,
28 would still be necessary to handle the imported products and construction would still
29 occur on the site to provide vessel unloading, product storage, and truck loading facilities.
30 Construction of the storage facility would still result in significant and unavoidable air
31 quality impacts (see Chapter 3, Section 3.1, and Chapter 5 of the Draft EIR), and because
32 it would handle the same throughput as the Proposed Project, GHG emissions would also
33 constitute a significant and unavoidable impact, even after mitigation (see Chapter 3, Section
34 3.5, and Chapter 5 of the Draft EIR). Further, as described in Chapter 5, the Product
35 Import Terminal Alternative (Alternative 3) would likely not import as much GGBFS as
36 the Proposed Project would, but would instead import traditional binders with higher
37 carbon footprints than GGBFS. This, in turn, would reduce the potential regional and
38 statewide benefits that would otherwise be gained by using low-carbon binders, including a
39 reduced carbon footprint associated with the cement consumed in California. Accordingly,
40 the Board finds that Alternative 3 (Product Import Terminal), while feasible, would not
41 provide substantial environmental benefits compared to the Proposed Project, and would
42 not meet the fundamental goals and objectives as well as the Proposed Project.

Chapter 5

**Findings Regarding Irreversible
Environmental Changes**

Irreversible and irretrievable environmental changes caused by a project include long-term uses of non-renewable and non-recoverable resources during construction and operation. (CEQA Guidelines, Section 15126.2(c).)

Finding and Rationale

The Proposed Project would require the use of non-renewable resources to develop the site for Port-related activities. Construction of the Proposed Project would require the use of non-renewable resources, such as fossil fuels, electrical energy, and some types of construction materials, such as steel, concrete, and rock. Fossil fuels and electrical energy would be consumed during the construction and the operational phases of the Proposed Project. Ocean-going vessel fuels, diesel, and gasoline would continue to be used for ships, tugboats, facility operations, and on-road vehicles (including trucks and employee automobiles). Those energy resources would for the most part be irretrievable and would cause irreversible changes in supplies of fossil fuel available for other uses. However, as described in DEIR Section 3.3, some electricity provided by the Los Angeles Department of Water and Power is provided from renewable sources, and recently adopted legislation (Senate Bill 100) raises California's renewable portfolio requirements for retail electricity sales, so that future operation of the Proposed Project would consume less non-renewable electrical resources.

Non-recoverable materials would be used during construction and operation, but the amounts would be accommodated by existing supplies. In particular, apart from fossil fuels, non-recoverable material resources committed to the Proposed Project would include construction materials such as steel, concrete, and gravel. Although the amounts needed are considered minor relative to existing supplies and reserves, they would nevertheless be unavailable for other uses. The minimal irreversible changes would be justified by the benefits from the Proposed Project's increased supplies of a low-carbon construction binder that would help meet the State and region's emissions goals. Therefore, the irreversible and irretrievable commitments of resources associated with the Proposed Project are justified under CEQA.

Chapter 6

Changes to the Draft EIR

Changes were made to the Draft EIR following the public review period. Actual changes to the text can be found in Chapter 3, Modifications to the Draft EIR, of the Final EIR. Changes are identified by text strikeout and underline. Changes to the Draft EIR include:

- Modifications to the Executive Summary to incorporate the revisions to the EIR described below;
- Minor modifications of the project description to clarify details of Proposed Project construction in response to comments by the California Department of Fish and Wildlife, and a clarification of the length of the entitlement period;
- Modifications to Section 3.1, Air Quality, to revise the lease measures, add mitigation measures, make minor text revisions and errata, and correct a mis-statement in the description of Figure 3.1-2; in addition, a discussion of health effects related to criteria pollutant impacts was added to Section 3.1;
- Minor modifications of Section 3.2.5, Biological Resources, to clarify implementation of MM BIO-1 and strengthen its language;
- Minor text modifications in Section 3.5, Greenhouse Gases, to correct descriptions of global warming potentials, substitution of MM GHG-1 for LM GHG-1, revision of air quality lease and mitigation measures in text and tables, change to the significance determination for impacts from significant to less than significant, and addition of a paragraph to address an issue of sea level rise raised by the California Coastal Commission;
- Addition of a mitigation measure (MM NOI-3) to Section 3.7 Noise to address pile-driving noise;
- Modification of Table 3.8-4 to reconcile a discrepancy in truck trip numbers noted by the SCAQMD and modification of Table 3.8-5 to reflect updated project construction schedules;
- Revisions in Chapter 4, Cumulative Analysis, to provide support for a statement about vessel traffic, modification of the greenhouse gas impact to less than significant, and the addition of a section (4.2.10 Other Cumulative Impacts) that considers potential cumulative impacts of resource areas eliminated from the Draft EIR in the Initial Study;
- Minor modifications of Appendix B1 and Appendix B3 to reconcile discrepancies, clarify assumptions, and correct minor data errors; and
- Addition of two appendices (a noise study and the Proposed Project's Soil Management Plan).

Finding and Rationale

Although Chapter 3 of the Final EIR includes minor amounts of new information and clarification, generated in response to comments received on the Draft EIR, the information is not significant new information that would require recirculation per CEQA Guidelines Section 15088.5. For instance, no new information was included that would result in: (1) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; (2) A substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance; and/or (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed were added that would clearly lessen the environmental impacts of the project (CEQA Guidelines Section 15088.5(a).)

All information included in the Final EIR merely clarifies or amplifies or makes insignificant modifications to the EIR. (See *Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1992) 6 Cal.4th 112, 1129–1130.) Consequently, the changes and clarifications presented in Chapter 3 of the Final EIR were reviewed by the Board to determine whether they constitute “significant new information” requiring recirculation prior to certification of the EIR. The information contained in Chapter 3 of the Final EIR was found to merely clarify or amplify the information presented in the Draft EIR. No new feasible alternatives or mitigation measures that are considerably different from others previously analyzed were identified that would clearly or substantively lessen the significant effects of the Proposed Project.

Further, as discussed in Chapter 3, modifications to lease measures (i.e., **LM AQ-1, LM AQ-2, LM AQ-3,**) would not reduce their effectiveness in reducing significant impacts nor would the added mitigation measures (**MM GHG-1, MM AQ-1, and MM AQ-2**) and lease measures (LM AQ-5, LM AQ-6, and LM AQ-7) reduce significant impacts to less than significant. As a result, all clarifying information included in the Final EIR does not constitute significant new information requiring recirculation because the EIR is not changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the Proposed Project. The information presented in Chapter 3 does not result in or disclose any new significant impacts or a substantial increase in the severity of any impact already identified in the EIR.

Therefore, recirculation of the Draft and Final EIR is not required and the EIR can be certified without additional public review, consistent with Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5.

The Board finds that all information added to the Final EIR after public notice of the availability of the Draft EIR for public review but before certification merely clarifies or makes insignificant modifications to an adequate Draft EIR that does not require recirculation.

Chapter 7

**Findings on Suggested Project Revisions in
Comments on the Draft EIR**

Comment letters were received on the Draft EIR suggesting mitigation modifications, mitigation additions, and impact determination revisions. Where the suggestions (1) requested minor modifications in adequate mitigation measures, (2) requested mitigation for impacts that the Draft EIR determined were less than significant, or (3) requested mitigation for impacts for which the Draft EIR already identified measures that would reduce the impact to less than significant, these requests were declined as unnecessary or not appropriate. Additionally, certain mitigation measures suggested in comments could reduce impacts that would otherwise be significant, but implementation of measures and/or alternatives would be infeasible due to specific economic, environmental, legal, social, technological, policy, or other considerations. LAHD has identified and proposes to incorporate all feasible mitigation measures, including feasible revisions to the existing mitigation measures recommended by commenters, or otherwise initiated by the Port. No additional mitigation measures to reduce significant impacts disclosed in the EIR have been determined to be feasible.

The suggested mitigation measures and revisions, and the reasons supporting why the recommendations were accepted or rejected, are summarized below. Additional detail can be found in the comments and responses to comments chapter of the Final EIR (Chapter 2). The Board adopts and incorporates by reference the specific reasons for declining such measures contained in the responses to comments in the Final EIR as its grounds for rejecting those measures.

Air Quality

Comments were received suggesting that the Proposed Project require additional emission reduction strategies or accelerate the application of existing measures, including requiring zero and near-zero emission technologies, requiring stricter engine emission standards for marine and land-based vehicles, implementing at-berth emission reduction strategies, and eliminating the open storage of raw materials.

Several comments recommended implementing zero emission technologies to reduce air pollutant emissions (e.g., Comments SCAQMD-3 and CFASE-11). As described in Section 3.1 of the Draft EIR, however, the only potential sources that could be converted to zero emission technologies are the heavy-duty on-road trucks hauling the finished product and the few pieces of off-road mobile equipment used to manage the on-site stockpiles. The on-road trucks are not under either the project proponent's or the LAHD's control, as they would be owned and operated by third-party entities. Accordingly, the Proposed Project has no mechanism for imposing zero-emissions technologies on that source; instead, heavy-duty trucks would be governed by the State's regulations, which mandate zero-emission

1 trucks by 2035. For the on-site equipment (primarily a large front-end loader), electric-powered
2 models are not yet available, and thus zero-emission technologies are infeasible at this time.
3 However, the Project includes MM AQ-2 (Front End Loader Replacement Schedule),
4 LM AQ-1 (Fleet Modernization for Cementitious Material Handling Equipment), and
5 LM AQ-2 (Periodic Review of New Technology and Regulations), which would ensure
6 that zero-emissions equipment is incorporated into the facility’s operations as soon as it is
7 commercially available,

8 Comment SCAQMD-2 recommended use of at-berth control of oceangoing vessel (OGV)
9 emissions under the CARB 2020 At-Berth Regulation. As the Draft EIR (Section 3.1) and the
10 Response to Comment SCAQMD-2 explain, however, that regulation does not apply to the
11 type of OGV that would service the Ecocem facility (i.e., dry-bulk freighters), so that current
12 at-berth technologies have not been certified for use to control their emissions. LM AQ-3
13 (At-Berth Vessel Emissions Control Pilot Study) obligates Ecocem to attempt to implement
14 an at-berth system within the first three years of receiving the necessary entitlements.

15 Comments recommended requiring Ecocem to enclose the raw material stockpiles to reduce
16 escape of particulate matter (e.g., Comments WNC-1, WNC-5). This measure was considered
17 in the Draft EIR (Section 5.4.3) as a project alternative but rejected because a stockpile cover
18 would have limited benefits, given the controls already part of the Proposed Project, that
19 would not justify its considerable cost.

20 **Biological Resources**

21 A comment from the California Department of Fish and Wildlife (CDFW) recommended
22 additional measures to reduce impacts of underwater noise and turbidity on fish (Comment
23 CDFW-2). These measures included bubble curtains, silt curtains, and vibratory pile
24 driving methods. The Draft EIR considered the potential impacts of underwater noise on fish
25 and concluded they would be less than significant; accordingly, the response to comment
26 concluded that additional measures are unnecessary. Furthermore, the response explained that
27 vibratory pile driving methods are not feasible for the proposed wharf improvements. The
28 response also considered CDFW’s suggested turbidity-reducing measures, but ultimately
29 determined they were not necessary because, given compliance with construction permit
30 requirements related to control of turbidity, the impact would already be less than
31 significant.

32 CDFW also suggested implementation of a marine mammal monitoring program and a
33 disclosure of potential impacts on sea turtles (Comment CDFW-4). The response to that
34 comment clarified that the marine mammal monitors would also monitor sea turtles.

35 Comment CDFW-3 recommended that piles that cannot be fully removed be broken off
36 two feet below the mudline, in order to minimize the possibility of leaching wood
37 preservatives into the water column. The response to that comment concluded that the
38 sediment disturbance resulting from the necessary excavation would have more water
39 quality impacts than the possibility of further leaching from old pilings.

40 **Hazards and Hazardous Materials**

41 The California Department of Toxic Substances Control recommended that all imported
42 soil and fill material be tested to ensure that any contaminants of concern are within
43 approved screening levels for the intended land use (Comment DTSC-3). The response to
44 that comment pointed out that DTSC’s recommendation was already included in the
45 Proposed Project because LAHD policy specifies soil testing procedures and

1 methodologies, and incorporates relevant regulatory guidance regarding allowable
2 concentrations of metals and organic compounds.

3 **Traffic**

4 Several comments expressed concern over truck traffic and recommended that the Port
5 implement a monitoring program. Although truck traffic is no longer required to be
6 analyzed in CEQA documents (CEQA Guidelines Section 15064.3 subdivision (b)(1)), the
7 Draft EIR does contain an analysis, for informational purposes, of the potential impacts of
8 truck traffic on local intersections (DEIR Section 3.8.6). That analysis confirms that the
9 volume of truck traffic generated by the Proposed Project would have very little effect on
10 roadway operational conditions. Accordingly, additional control measures, including
11 implementation of a monitoring program, were considered unnecessary.

12 **Alternatives**

13 Several comments suggested modifying the Proposed Project to incorporate rail transport,
14 either of the product or of the GBFS raw material, to an inland distribution (for product
15 transport) or processing and distribution (for the raw material scenario) facility (e.g.,
16 Comments CESPNC-6, NWSPNC-4, WNC-1, WNC-6, and PH-2a). The commenters
17 assumed that such an alternative would reduce impacts by removing trucks from the local
18 roads.

19 The Draft EIR did consider rail transport of the product as an alternative to the Proposed
20 Project (DEIR Section 5.4.2) and concluded that the provision of rail to the Project site
21 was technically infeasible, that few of Orcem’s customers have rail facilities for receiving
22 the product, and that it would actually increase impacts. Although truck traffic generated
23 by the Proposed Project would be substantially reduced in the Port area, the impacts of
24 locomotive operations (air quality, noise, and traffic delays at grade crossings) would be
25 added, and truck traffic impacts would simply be relocated to inland areas.

26 The Draft EIR did not consider an inland processing plant in any detail, noting only that a
27 number of potential sites were eliminated on the basis of unavailability or increased
28 operational costs. Accordingly, the Response to Comment CESPNC-6 includes such an
29 analysis; the conclusion of the analysis is that in addition to the factors rendering the
30 product transport scenario infeasible, the raw material transport scenario would be
31 inconsistent with the operating practices of the UP and BNSF railroad companies and the
32 double-handling of the raw material and the additional truck miles for distribution would
33 result in additional impacts.

Chapter 8

Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of the Proposed Project against unavoidable environmental risks in determining whether to approve the Project. As detailed in the Findings, the Proposed Project would result in significant unavoidable impacts to air quality and noise. The Proposed Project would also result in cumulatively considerable contributions to significant cumulative impacts on air quality and noise.

The Proposed Project offers several benefits that outweigh its unavoidable adverse environmental effects. The Board adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the Proposed Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives that would avoid or reduce the significant impacts of the Proposed Project, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Proposed Project against the Proposed Project's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals, and objectives of the Proposed Project and provide the rationale for the benefits of the Proposed Project. The Board finds that any one of the environmental, technological, policy, and economic benefits of the Proposed Project set forth below is sufficient by itself to warrant approval of the Proposed Project. These overriding considerations justify adoption of the Proposed Project and certification of the completed Final EIR. This determination is based on the findings herein and the evidence in the record. These benefits include the following:

- **Fulfills LAHD's legal mandates and objectives.** The Proposed Project would fulfill the LAHD's legal mandate under the Port of Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601; California Tidelands Trust Act of 1911) to promote and develop commerce, navigation, fisheries, and other uses of statewide interest and benefit, including industrial, recreational, and transportation uses. It would also promote the mandates of the California Coastal Act (PRC Division 20, Section 30700, et seq.), which identifies the Port and its facilities as a primary economic/coastal resource of the State and an essential element of the national maritime industry and obligates LAHD to modernize and construct necessary facilities to accommodate the demands of foreign and domestic waterborne commerce and other traditional water-dependent and related facilities in order to preclude the necessity for developing new ports elsewhere in the state. Further, the California Coastal Act provides that the LAHD should give highest priority to the use of existing land space within harbors for Port purposes, including, but not limited to navigational facilities, shipping industries, and

1 necessary support and access facilities. The Project would also meet LAHD's
2 strategic green growth objectives by maximizing the efficiency and capacity of
3 facilities, while applying measures that adhere to and/or exceed those required by
4 the San Pedro Bay Clean Air Action Plan (CAAP) and raise environmental
5 standards.

- 6 • **Facilitates California's emissions and climate change goals.** By providing the
7 region's construction industry with a substantial, reliable supply of a low-carbon-
8 intensity construction binder, the Proposed Project would help meet California's
9 2030 and 2045 net-zero cement emissions targets.
- 10 • **Optimizes land use.** The Proposed Project would maximize the utilization of Port
11 lands by constructing a water-dependent import terminal on currently vacant Port
12 land. The Proposed Project would be consistent with LAHD's public trust
13 obligations under the tidelands grant to the City of Los Angeles for the purposes
14 of commerce, navigation, fishery, and various public access, recreational, and
15 commercial uses.

16 The Proposed Project would optimize maritime commerce at the Berths 191-194
17 site, consistent with Port Master Plan policies 1.1 (develop new commercial or
18 industrial projects in or near existing developed areas), 1.2 (protect coastal areas for
19 port-related developments and water-dependent developments, 1.3 (modernize and
20 construct necessary facilities within the boundaries of the Port), and 2.1 (locate,
21 design, and construct port-related projects to minimize substantial impacts, and
22 prioritize the use of existing space for port-purposes).

- 23 • **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Proposed
24 Project incorporates Project-specific environmental features that are consistent with
25 CAAP requirements, along with implementation of additional standards and lease
26 and mitigation measures identified through the CEQA findings that meet CAAP
27 requirements and objectives (see Section 3.1, Air Quality and Meteorology, of the
28 Draft EIR).
- 29 • **Fosters economic growth.** The Proposed Project would augment local
30 employment and business opportunities by directly supporting numerous short-
31 term construction jobs, long-term operational jobs, and a variety of indirect jobs
32 related to construction and operation (see Chapter 8, Socioeconomics, of the Draft
33 EIR). The Project would also support long-term economic growth by generating
34 revenues to the Port over the operational life of the Project.

35 In summary, the Proposed Project would allow LAHD to meet its legal mandates to
36 accommodate growing international commerce, while maintaining compliance with
37 important environmental programs and policies. The Board hereby finds that each of the
38 benefits of the Proposed Project described above outweighs the significant and
39 unavoidable environmental effects and are therefore considered acceptable.